

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

ORDER NO. R9-2007-0089

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
TERRA VAC
BODY BEAUTIFUL CAR WASH
2945 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA
GROUNDWATER REMEDIATION PROJECT
FOR
VIOLATIONS OF ORDER NO. 2000-90, NPDES NO. CAG919001**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing on June 13, 2007, to hear evidence and comments on the allegations contained in Complaint No. R9-2007-0019, dated January 25, 2007, and deliberating on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, and on the recommendation for administrative assessment of Civil Liability for Mandatory Minimum Penalties in the amount of \$12,000 finds as follows:

1. Terra Vac discharged treated groundwater to San Diego Bay in accordance with waste discharge requirements contained in Order No. 2000-90, NPDES Permit No. CAG919001.
2. Order No. 2000-90 established effluent limitations for instantaneous maximum concentrations of total suspended solids at 50.0 mg/L. Terra Vac reported two violations of the total suspended solids instantaneous maximum effluent limitation on October 25, 2005 and January 25, 2006.
3. Order No. 2000-90 established effluent limitations for 30-day average concentrations of total suspended solids at 30.0 mg/L. Terra Vac reported 4 violations of the total suspended solids 30-day average effluent limitation on October 25, 2005, November 22, 2005, January 25, 2006 and February 22, 2006.
4. Order No. 2000-90 established effluent limitations for 30-day average concentrations of tributyltin at 0.005 ug/L. Terra Vac reported a violation of the 30-day average tributyltin effluent limitation on August 24, 2006.

Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code sections 13385(h) in the amount of twelve thousand dollars (\$12,000).

5. The Regional Board incurred costs of \$4,000 to prosecute the enforcement action. The costs include investigation, preparation of enforcement documents, communicating with the Discharger and preparation of materials for public review and hearing.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 1552, Chapter 33, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on the Water Authority in the amount of twelve thousand dollars (\$12,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 13, 2007.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer